

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

BUZZMARKETING, LLC :
 :
 :
 vs. : NO. 03-4392
 :
THE UPPER DECK COMPANY, LLC :

PLAINTIFF'S OBJECTIONS TO DEFENDANTS BILL OF COSTS

Plaintiff, Buzzmarketing, LLC by and through its attorney, Kathleen K. Barksdale, Esquire files the following objection to Defendants Bill of Costs:

1. Plaintiff objects to Defendants bill for Fees of the Clerk, in the amount of \$53.50, since the only bill for fees attached to defendants request was for the cost of filing Pro Hoc Vice in October of 2003. That cost was incurred for purposes of Entry of Appearance in order to defend the action and not purposes of filing the Motion for Summary and therefore should be disallowed pursuant to 28 U.S.C. § 1920(1).

2. Plaintiff objects to Defendants bill for fees and disbursements for printing since those fees date back to August 2003 and where done in association with the filing of the Motion For Summary Judgment. Those bills do not specify what copies where made and whether or not those copies where done for purposes of discovery or retained by counsel. The costs even specify an amount of \$13.50 for the Montgomery County Prothonotary, since this case was never filed in Montgomery County those fees should also be stricken pursuant to 28 U.S.C. § 1920 (3).

3. Plaintiff objects to Defendants bill in the amount of \$972.20 for the costs of deposition transcripts since those deposition were taken for the purposes of discovery and /or trial preparation

and not for the purpose of filing the Motion for Summary Judgement, and therefore those costs should be stricken pursuant to 28 U.S.C. § 1920(2).

WHEREFORE, Defendants Bill of Costs should be denied.

JOHN CHURCHMAN SMITH & ASSOCIATES

BY: _____

KATHLEEN K. BARKSDALE, ESQUIRE
Attorney for Plaintiff
Attorney I.D No. 30620
Validation of Signature Code KKB2084
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CERTIFICATE OF SERVICE

KATHLEEN K. BARKSDALE, ESQUIRE hereby certifies that a complete, true and copy of the plaintiff's objections to defendant's Bill of Costs was served upon all parties by United States First Class Mail.

JOHN CHURCHMAN SMITH & ASSOC.

DATE: _____ BY: _____

KATHLEEN K. BARKSDALE,ESQUIRE
ATTORNEY FOR PLAINTIFF,
BUZZMARKETING,LLC.